

**Amendment No. 1 to SB0476**

**Henry  
Signature of Sponsor**

**AMEND Senate Bill No. 476**

**House Bill No. 69\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 24-1-202, is amended by deleting the section in its entirety and substituting instead the following:

(a) It is not lawful for any party to any action, suit, or proceeding to testify as to any transaction or conversation with, or statement by, any opposite party in interest, if such opposite party is incapacitated or disqualified to testify thereto, by reason of insanity, unless called by the opposite side, and then only in the discretion of the court; provided, if a corporation be a party, this disqualification shall extend to its officers of every grade and its directors.

(b) Notwithstanding the provisions of subsection (a), in actions for divorce or legal separation either party shall be at liberty, as a matter of right, to testify to all transactions between them, including such as may occur by virtue of the marital relation; provided that upon motion by either party or by the court upon its own motion, the court may appoint a guardian-ad-litem or attorney-ad-litem for either party where such party is legally incompetent.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.